

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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BENEDICTA GUTIERREZ,

Plaintiff,

v.

MCDONALD'S CORP.,

Defendant.

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Civil Action No. 09-4560 (SRC)

**ORDER**

**CHESLER**, District Judge

This matter having come before the Court on Plaintiffs' application to proceed *in forma pauperis*; and the Court having reviewed the application to proceed *in forma pauperis* under 28 U.S.C. §1915(a); and the Court having reviewed the Complaint under 28 U.S.C. §1915(e)(2)(B); and for the reasons expressed in the Opinion filed herewith;

**IT IS** on this 21<sup>st</sup> day of September, 2009,

**ORDERED** that Plaintiffs' application to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. §1915(a); and it is further

**ORDERED** that the Clerk of the Court is hereby directed to file the Complaint in this action without pre-payment of the filing fee; and it is further

**ORDERED** that Plaintiffs' Complaint (docket item # 1) is **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED** that Plaintiffs shall have leave to file an amended Complaint, which will also be reviewed under 28 U.S.C. §1915, within 14 days of the date of this Order; and it is further

**ORDERED** that should Plaintiff fail to file an amended Complaint within the time put forth by this Order, the Court will direct the Clerk of the Court to close this action.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge

DATED: September 21, 2009